



CITY OF MORGAN HILL

**CITY COUNCIL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Steve Tate, Mayor Pro Tempore
Hedy L. Chang, Council Member
Cynthia J. Cook Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Greg Sellers, Vice-Chairperson
Hedy L. Chang, Agency Member
Cynthia J. Cook, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JUNE 7, 2000

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:00 P.M.

*A Special Meeting is called at 5:00 P.M. for the purpose
of conducting a Closed Session.*

Dennis Kennedy, Mayor/Chairperson

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

OPPORTUNITY FOR PUBLIC COMMENT

City Council Action

CLOSED SESSION:

2 hours

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:

Real Property(ies) involved:

City Negotiators:

Closed Session Topic:

Government Code 54956.8 & 54956.9(c) (1potential case)

APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)

Agency Members; Interim Executive Director; Interim Agency Counsel; and F. Gale Conner, special counsel

Potential Litigation

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Flag Day
June 14, 2000

CITY COUNCIL REPORT

Council Member Cook

INTERIM CITY MANAGER'S REPORT

INTERIM CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE CITY CLERK.

(See notice attached to the end of this agenda.)

City Council Action

OTHER BUSINESS:

1. 60 minutes **PROPOSALS FOR MEDICAL SERVICES IN MORGAN HILL** 1
Recommended Action: Discuss the Submitted RFPs Including the Supplemental Materials and Direct Staff as to How to Proceed with the Submitted Proposals.

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #2 through #13 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Page

Consent Calendar: 1 - 10 Minutes

2. **CALL GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2000** 3
Recommended Action:
 1. **Adopt** Resolution No. 5389 Calling Election to be Held on November 7, 2000 to Elect Mayor, Two City Council Members, One City Clerk and One City Treasurer, and
 2. **Adopt** Resolution No. 5390 Requesting the Services of the County of Santa Clara Registrar of Voters and the Consolidation of the Election.
3. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR BUTTERFIELD EXTENSION (MORGAN HILL BUSINESS RANCH)** 9
Recommended Action:
 1. **Adopt** Resolution No. 5392 Accepting the Public Improvements for Butterfield Extension, and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

4. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR EL TORO GARDENS (TRACT 9051)** 15
Recommended Action:
 1. **Adopt** Resolution No. 5395 Accepting the Public Improvements for Tract 9051, commonly known as East Central - El Toro Gardens, and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

5. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR LA CROSSE VILLAGE II** 21
Recommended Action:
 1. **Adopt** Resolution No. 5396 Accepting the Public Improvements for La Crosse Village II and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

6. **BICYCLE ADVISORY COMMITTEE REPRESENTATION** 25
Recommended Action: **Approve** the Recommendation by the Morgan Hill Bicycle Advisory Committee (BAC) to Appoint Mr. Bob Eltgroth as Representative to the Countywide BAC.

7. **ACCEPTANCE OF CONSTRUCTION OF STREET REPAIRS - 1999 PROJECT** 27
Recommended Action:
 1. **Accept** as Complete the Construction of Street Repairs - 1999 Project in the Final Amount of \$610,863.17, and
 2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.

8. **AWARD CONTRACT FOR UTILITY CUT REPLACEMENT** 31
Recommended Action: **Award** the Maintenance Contract for Utility Cut Replacement to Paul T. Beck Contractors, Inc. for \$50,000 in FY 99-00, and \$50,000 in FY 00-01 Contingent upon Approval of the FY 00-01 Budget.

9. **1999 ANNUAL CONSUMER CONFIDENCE REPORT REGARDING WATER QUALITY** 43
Recommended Action: Informational Item Only.

10. **AB 939 FEE AND HOUSEHOLD HAZARDOUS RECYCLING AND COLLECTION PROGRAM** 45
Recommended Action: **Authorize** the Interim City Manager to Execute the Agency Agreement for Countywide AB 939 Implementation Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program in the Amount of \$20,000 of City Funds.

11. **RESOLUTION DECLARING BRUSH TO BE A NUISANCE** 87
Recommended Action: **Adopt** Resolution No. 5397 Declaring Brush to be a Nuisance and Setting June 21, 2000 as the Date for the Public Hearing Regarding Brush Abatement.

12. **AB 1600 IMPACT FEE REPORT FOR THE FISCAL YEAR 1998/1999** 91
Recommended Action:
 1. **Make** a Finding That All AB 1600 Impact Fees Are Expended or Committed, and
 2. **Accept and File** the Impact Fee Report.

13. **EXCEPTION TO LOSS OF BUILDING ALLOTMENT AWARDED TO APPLICATION MP-99-04: CHRISTEPH - KOSICH** 107
Recommended Action: Adopt Resolution No. 5398 Approving an Exception to Loss of Building Allocation and Six Month Extension of Time to December 30, 2000.

PUBLIC HEARINGS:

- | | Time
Estimate | | Page |
|-----|------------------|---|------|
| 14. | 1 minute | <u>ANNEXATION APPLICATION ANX-99-02: MURPHY - MARQUEZ (APN 817-19-001)</u>
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - <u>Motion to Table</u> the Item. | 117 |
| 15. | 1 minute | <u>ANNEXATION APPLICATION ANX-00-01: E. DUNNE - WONG (APN 817-19-043)</u>
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - <u>Motion to Table</u> the Item. | 119 |
| 16. | 5 minutes | <u>OUT OF AGENCY SERVICE REQUEST APPLICATION, OSR-00-01: SAN PEDRO - SANTA CLARA VALLEY WATER DISTRICT (SCVWD)</u>
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - <u>Motion to Table</u> the Item. | 121 |
| 17. | 10 minutes | <u>APPLICATION: EXCEPTION TO LOSS OF BUILDING ALLOCATION APPLICATION: ELBA-00-05: NINA LANE - DOAN (APN 817-60-021)</u>
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - <u>Motion to Adopt</u> Resolution No. 5391 Granting Exception to Loss of Building Allocation. | 127 |
| 18. | 15 minutes | <u>ZONING APPLICATION: ZAA 98-01: E. DUNNE AVE. - SHAW</u>
Recommended Action: Request staff presentation.
Public Hearing opened.
Please limit your remarks to 3 minutes. Public Hearing closed.
Council discussion.
Action - <u>Motion to Adopt</u> Resolution No. 5393 Denying a Request for an Amendment to the Precise Development Plan. | 143 |

19.	10 minutes	<u>ZONING APPLICATION: ZA-99-19: MURPHY - MARQUEZ (APN 817-19-001)</u> 163 Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Approve</u> Mitigated Negative Declaration. Action- <u>Motion to waive the reading in full of the Prezone Ordinance,</u> Ordinance No. 1479, N.S. <u>Motion to introduce</u> Ordinance No. 1479, N.S. by title only.
20.	10 minutes	<u>ZONING APPLICATION: ZA-00-01: E. DUNNE - WONG (APN 817-19-043)</u> 177 Recommended Action: Request staff presentation. Public Hearing opened. Please limit your remarks to 3 minutes. Public Hearing closed. Council discussion. Action - <u>Approve</u> Mitigated Negative Declaration. Action- <u>Motion to waive the reading in full of the Prezone Ordinance,</u> Ordinance No. 1480, N.S. <u>Motion to introduce</u> Ordinance No. 1480, N.S. by title only.
21.	3 minutes	<u>TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. (APPLICATION ZA-00-07)</u> 189 Recommended Action: Request Staff Presentation. Public Hearing Opened. Continue Public Hearing to July 5, 2000.

OTHER BUSINESS (continued):

	Time Estimate		Page
22.	10 minutes	<u>APPROVAL OF DISTRIBUTION OF HOUSING TYPE AND TERM FOR THE NEXT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION</u> 191 Recommended Action: <u>Adopt</u> Resolution No. 5394 Approving the Term and Distribution of Building Allotment for the Measure “P” Competition to be Conducted during Fiscal Year 2000-01.	
23.	5 minutes	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) SECOND YEAR PHASING REQUESTS</u> 203 Recommended Action: 1. <u>Adopt</u> Resolution No. 5399 Approving Second Year Phasing into Fiscal Year 2002-2003 for Projects in the 1999-2000 Open/Market Rate Competition, and 2. <u>Adopt</u> Resolution No. 5400 Approving Second Year Phasing into Fiscal Year 2001-02 for Projects in the February 2000 Micro Measure P Competition.	

SECOND READING OF ORDINANCE: Full Reading Waived By Majority Vote.

(Government Code Section 36934)

Action -- Adopt Ordinance by roll call vote.

- | | | |
|-----|-----------|--|
| 24. | 5 minutes | <u>ADOPT ORDINANCE NO. 1477, NEW SERIES</u> 219
An Ordinance of the City of Morgan Hill Amending Chapter 17.50 of the Morgan Hill Municipal Code Establishing Submittal Requirements and Conferring Vested Right Provisions on Nonresidential Tentative Map Approvals. |
| 25. | 5 minutes | <u>ADOPT ORDINANCE NO. 1478, NEW SERIES</u> 225
An Ordinance of the City Council of the City of Morgan Hill Amending a Development Agreement to Provide for an Exception to Loss of Building Allocation for Application MP 97-22: Spring - Malone/Wellington. (APN 767-15-006-010) |

Redevelopment Agency Action

OTHER BUSINESS:

- | | | |
|-----|------------|--|
| 26. | 10 minutes | <u>COMMUNITY AND CULTURAL CENTER COMMENTS AND RESPONSES</u> 231
<u>Recommended Action:</u>
1. <u>Review</u> Workshop Summary,
2. <u>Identify</u> Additional Issues and Concerns to be Addressed, and
3. <u>Set</u> June 14, 2000 Workshop Date for Review of Responses. |
|-----|------------|--|

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Item may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time

Estimate

Consent Calendar: 1 - 10 Minutes

Page

- | | |
|-----|--|
| 27. | <u>APPROVAL OF JOINT REGULAR AND SPECIAL REDEVELOPMENT AGENCY
 AND SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 24, 2000</u> 241 |
|-----|--|

City Council and Redevelopment Agency Action

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

**Time
Estimate**

- | | |
|-------------------|---|
| 10 minutes | 1. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS
Legal Authority: Government Code Section 54956.8
Real property involved: 2.93 and 2.03 acre parcels located on the west side of Monterey Road, north of Cosmo Avenue (APN 767-17-046 & 047)

Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager

For Property Owner(s): JGM Venture Inc. & Shang-Chiai Kung et al
Closed Session Topic: Acquisition of Real Property |
| 10 minutes | 2. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS
Legal Authority: Government Code Section 54956.8
Real property involved: A 8.93 acre parcel located on West Edmundson Avenue, east of Community Park (APN 767-18-025)

Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager

For Property Owner(s): Herbert W. and Eva W. Gundersen Trustee et al
Closed Session Topic: Acquisition of Real Property |
| 10 minutes | 3. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS
Legal Authority: Government Code Section 54956.8
Real property involved: A 9.33 acre parcel located on East Dunne Avenue, east of Butterfield Boulevard (APN 817-11-046)

Negotiators
For City/Agency: Interim City Manager/Interim Executive Director; Interim City Attorney/Agency Counsel; Director of Business Assistance & Housing Services; Recreation Manager

For Property Owner(s): Keith H. Weichert Trustee et al (or appropriate owner)
Closed Session Topic: Acquisition of Real Property |

10 minutes

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

Legal Authority:

Real property involved:

Negotiators

For City/Agency:

For Property Owner(s)

Closed Session Topic:

4.

Government Code Section 54956.8

An 8.25 acre parcel located on Diana Avenue, west of the
Future Butterfield Boulevard extension (APN 726-12-006)

Interim City Manager/Interim Executive Director; Interim
City Attorney/Agency Counsel; Director of Business
Assistance & Housing Services; Recreation Manager
Kontrabecki Associates (or appropriate owner)
Acquisition of Real Property

5.

PUBLIC EMPLOYMENT

Legal Authority:

Position:

Government Code Section 54957

City Manager Recruitment

CLOSED SESSION ANNOUNCEMENT:

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT